

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RODNEY KEITH JAMES,

9:13-CV-526
(DNH/CFH)

Plaintiff,

-v-

DR. RICHARD KASKIW, Medical Specialist,
Marcy Psy. Center Facility; CANDICE WILBER,
Nurse Practitioner, Marcy Psy. Center Facility;
and MS. ELIZABETH FARNUM, Psychiatrist,
Marcy Psy. Center Facility,

Defendants.

APPEARANCES:

OF COUNSEL:

RODNEY KEITH JAMES

Plaintiff Pro Se

C-46388

CNY PC

Post Office Box 300

Marcy, NY 13403

HON. ERIC T. SCHNEIDERMAN

New York State Attorney General

Attorney for Defendants

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TIMOTHY P. MULVEY, ESQ.

Ass't Attorney General

DAVID N. HURD

United States District Judge

DECISION and ORDER

Pro se plaintiff Rodney Keith James brought this action pursuant to 42 U.S.C.

§ 1983. On July 9, 2014, the Honorable Christian F. Hummel, United States Magistrate

Judge, advised by Report-Recommendation that defendants' motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) be denied. Defendants timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which defendants objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

Therefore, it is

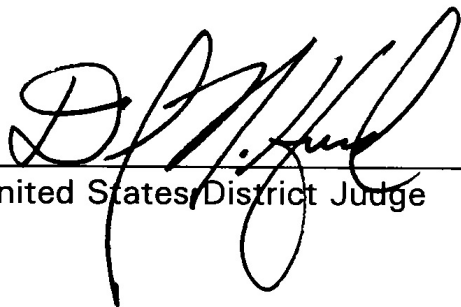
ORDERED that

1. Defendants' motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) is DENIED;

2. Defendants are directed to respond to the complaint in the manner provided for by the Federal Rules of Civil Procedure; and

3. The Clerk is directed to serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.



United States District Judge

Dated: August 5, 2014
Utica, New York.